

## 21 C.J.S. Courts § 124

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### Courts

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### III. Creation and Constitution; Officers of Courts

#### B. Nonjudicial Officers and Employees Generally; Interpreters

##### 1. General Considerations

### § 124. Court attendants and assistants—Tenure and removal

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  [55](#), [58](#)

**Statutes may prescribe the body or official who may remove court attendants and assistants, and apart from statute, courts have the inherent authority to remove such personnel.**

Where statutes prescribe the body or official who may remove court attendants, such statutes control.<sup>1</sup> In addition, apart from statute, courts have the inherent authority to discharge court attendants and assistants,<sup>2</sup> and where the power of appointment is exercised by the court, it has the power of removal.<sup>3</sup> However, a power of removal may not be implied from a mere limited power of appointment to fill vacancies.<sup>4</sup>

Civil service laws providing for the removal of court attendants and assistants must be given effect.<sup>5</sup>

## *Hearing.*

Where required by statute, an attendant is entitled to a hearing before removal.<sup>6</sup>

## *Term of office.*

Where the term of office of a court attendant is regulated by statutory provisions, such regulations control.<sup>7</sup>

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## Footnotes

- 1 N.Y.—*Hansmann v. Thomas*, 134 Misc. 75, 234 N.Y.S. 581 (Sup 1929).
- 2 Pa.—*Eshelman v. Commissioners of Berks County*, 62 Pa. Commw. 310, 436 A.2d 710 (1981), order aff'd, 502 Pa. 430, 466 A.2d 1029 (1983).
- 3 Pa.—*Werkman v. Westmoreland County*, 128 Pa. Super. 297, 194 A. 344 (1937).  
  
**Confidential attendant**  
 The position of confidential attendant has never been protected by tenure, but a confidential attendant is employed at the pleasure of the justice who appointed the attendant, and that justice can, at his or her pleasure, remove the attendant.  
  
 N.Y.—*Rohan v. Bartlett*, 69 A.D.2d 712, 419 N.Y.S.2d 599 (2d Dep't 1979), order aff'd, 49 N.Y.2d 853, 427 N.Y.S.2d 790, 404 N.E.2d 1331 (1980).
- 4 N.J.—*Courter v. Butler*, 91 N.J.L. 683, 103 A. 411 (N.J. Ct. Err. & App. 1918).
- 5 N.J.—*Courter v. Butler*, 91 N.J.L. 683, 103 A. 411 (N.J. Ct. Err. & App. 1918).
- 6 Minn.—*State ex rel. Bozicevich v. City of Eveleth*, 194 Minn. 44, 260 N.W. 223 (1935).
- 7 N.J.—*Varbalow v. Civil Service Commission*, 15 N.J. Misc. 444, 192 A. 88 (Sup. Ct. 1937).